IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 12065 of 2007

Date of decision : August 07, 2007

M/S Malkeet Oil Company, Patiala through its sole proprietor Malkeet Kaur.

.....Petitioner

through Mr. DPS Kehlon, Advocate

v.

The State of Punjab & others,

.....Respondents

CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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RAJIVE BHALLA,J

The petitioner prays for the issuance of a writ in the nature of certiorari for quashing/setting aside the order, dated 8.5.2007 (Annexure P-2), suspending the petitioner's licence to distribute kerosene.

Admittedly, the petitioner-firm is facing prosecution in case FIR No.55, dated 7.5.2007, registered under Section 7 of the Essential Commodities Act, read with Sections 420/427/120B of the IPC, at Police Station Sadar Nabha, District Patiala, for an attempt to misuse kerosene oil, allotted to its kerosene pump. The FIR alleges that the petitioner firm has been diverting kerosene oil, meant for poor ration card holders, for mixing with diesel. A truck, carrying 12,000 liters of kerosene oil, allotted to the petitioner's kerosene pump, was detained.

Counsel for the petitioner contends that a perusal of the information, supplied to the petitioner-firm, under the Right to Information Act, vide letter, dated 5.6.2007, discloses that the truck, carrying 12,000 liters of kerosene, was apprehended. It is contended that as no kerosene was missing from the truck, the allegation, against the petitioner-firm, that it diverted kerosene for mixing with diesel, is baseless.

We have heard counsel for the petitioner, and perused the paper book.

The petitioner's earlier writ petition, impugning the suspension of her licence, was dismissed as withdrawn. There is no change in circumstance that would warrant a fresh consideration of the petitioner's pleas. The petitioner, as noticed herein above, is facing trial under Section 7 of the Essential Commodities Act, as also other provisions of the Indian Penal Code. We find no reason to interfere with the order, suspending the petitioner's licence. Consequently, the present petition is dismissed in limine.

(RAJIVE BHALLA)
JUDGE

(P. SATHASIVAM)
JUDGE

August 07, 2007.
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